





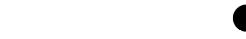
DATE MAILED: 05/14/2003

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/001,520	10/26/2001	Masatoshi Yano	P/2005-32	P/2005-32 2524	
75	590 05/14/2003				
STEVEN I. WEISBURD, ESQ. DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 1177 AVENUE OF THE AMERICAS			EXAMINER		
			DONELS; JEFFREY		
41ST FLOOR NEW YORK, N	NY 10036-2714		ART UNIT	PAPER NUMBER	
•			2837		

Please find below and/or attached an Office communication concerning this application or proceeding.

,)					
<u>.</u>	Application No).	Applicant(s)					
	10/001,520		YANO, MASATOSHI					
Office Action Summary	Examiner		Art Unit					
	Jeffrey Donels		2837					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status								
1) Responsive to communication(s) filed on	<u> </u>							
2a) This action is FINAL . 2b) ⊠ Thi	is action is non-	final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.								
Disposition of Claims								
4)⊠ Claim(s) <u>1-15</u> is/are pending in the application.								
4a) Of the above claim(s) is/are withdraw	vn from conside	ration.						
5) Claim(s) is/are allowed.								
6)⊠ Claim(s) <u>1,3,5,7,9,12 and 14</u> is/are rejected.								
7) Claim(s) <u>2,4,6,8,10,11,13 and 15</u> is/are objected to.								
8) Claim(s) are subject to restriction and/or Application Papers	election require	ement.						
9) The specification is objected to by the Examiner	•							
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.								
If approved, corrected drawings are required in reply to this Office action.								
12) The oath or declaration is objected to by the Examiner.								
Priority under 35 U.S.C. §§ 119 and 120								
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).								
a) ☐ All b) ☐ Some * c) ☐ None of:								
1. Certified copies of the priority documents have been received.								
2. Certified copies of the priority documents have been received in Application No								
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 								
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).								
 a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. 								
Attachment(s)	•							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.	4) 5) 6)		PTO-413) Paper No(s). atent Application (PTO-					



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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,5,7,9,12,14 are rejected under 35 U.S.C. 102(b) as being fully met by WO 02/05433.

See especially Figs. 1,4.

Claims 1,3,5,7,9,12,14 are rejected under 35 U.S.C. 102(b) as being fully met by Kageyama et al.

See especially Cols. 3 and 7, and Fig. 2A.

Claims 1,3,5,7,9,12,14 are rejected under 35 U.S.C. 102(b) as being fully met by Kawashima et al.

See especially Fig. 8.

Claims 2,4,6,8,10,11,13,15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Donels whose telephone number is 703-308-3115. The examiner can normally be reached on 9 hour days, first Friday off.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on 703-308-3370. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-308-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Jeffrey Donels Primary Examiner Art Unit 2837